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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12
13 LORI A COLWELL,
14 Plaintiff,

15 v.

16 NANCY A. BERRYHILL,
Acting Commissioner of
17 Social Security,

18 Defendant
19

CIVIL NO. 2:15-cv-00782 JCM-GWF

**STIPULATION FOR THE AWARD
AND PAYMENT OF ATTORNEY
FEES AND COSTS PURSUANT TO
THE EQUAL ACCESS TO JUSTICE
ACT, 28 U.S.C. § 2412(d)**

~~**[PROPOSED ORDER]**~~

20 TO THE HONORABLE GEORGE FOLEY, JR MAGISTRATE JUDGE
21 OF THE DISTRICT COURT:

22 Plaintiff, LORI A. COLWELL ("Plaintiff") and defendant NANCY A.
23 BERRYHILL, Acting Commissioner of Social Security ("Defendant"), through their
24 undersigned counsel of record, HEREBY STIPULATE AND AGREE, through their
25 attorneys, Daniel S. Jones acting on behalf of the Law Offices of Binder and Binder.
26 LLP, attorneys for Plaintiff, and Jean M. Turk, Special Assistant United States
27 Attorney, attorney for defendant, subject to the approval of the Court, that Plaintiff be
28 awarded attorney fees and expenses in the amount of FIVE THOUSAND DOLLARS

1 AND NO CENTS (\$ 5,000.00) under the Equal Access to Justice Act (EAJA), 28
2 U.S.C. § 2412(d), and FOUR HUNDRED DOLLARS AND NO CENTS in costs. This
3 amount represents compensation for all legal services rendered on behalf of Plaintiff by
4 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
5 2412(d).

6 After the Court issues an order for EAJA fees to Plaintiff, the government will
7 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel,
8 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010),
9 the ability to honor the assignment will depend on whether the fees are subject to any
10 offset allowed under the United States Department of the Treasury's Offset Program.
11 After the order for EAJA fees is entered, the government will determine whether they
12 are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
14 determines that Plaintiff does not owe a federal debt, then the government shall cause the
15 payment of fees, expenses and costs to be made directly to counsel, pursuant to the
16 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

17 This stipulation constitutes a compromise settlement of Plaintiff's request for
18 EAJA attorney fees, and does not constitute an admission of liability on the part of
19 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute
20 a complete release from, and bar to, any and all claims that Plaintiff and/or counsel
21 including counsel's firm may have relating to EAJA attorney fees in connection with
22 this action.

23 This award is without prejudice to the rights of counsel and/or counsel's firm to
24 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
25 clause provisions of the EAJA.

1 Respectfully submitted,

2 Respectfully submitted,

3
4 DATE: July 5, 2018

5 Law Offices of Charles E. Binder and
6 Harry J. Binder, LLP

7 /s/ Daniel S. Jones
8 DANIEL S. JONES
9 Attorney for plaintiff Lori A. Colwell

10 Dated: July 5, 2018


11 DAYLE ELIESON
12 United States Attorney

13 /s/ Jean M. Turk
14 JEAN M. TURK
15 Special Assistant United States Attorney
16 Attorneys for Defendant

17
18 ORDER

19
20 IT IS SO ORDERED.

21 DATED: July 6, 2018. _____

22 
23 _____
24 HON. GEORGE W. FOLEY, JR.
25 UNITED STATES MAGISTRATE JUDGE
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